

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
Charlotte DIVISION
DOCKET NO. 3:20-cv-00003-FDW-DSC**

Kevin Fonseca,

Plaintiff,

vs.

Danielle Ramsey

The American National Red Cross,

Defendant.

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ORDER

THIS MATTER is before the Court on its July 7, 2020 Order (Doc. No. 3).

Plaintiff has filed a *pro se* Complaint and an Application to proceed *in forma pauperis* (Doc. Nos. 1, 2). The Court denied the Application and granted Plaintiff the opportunity to refile his Application using the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) (AO 239). (Doc. No. 3) within 14 days. The Court cautioned Plaintiff that the failure to do so would result in this action's dismissal without prejudice and without further notice. (*Id.*).


Plaintiff failed to amend his application in accordance with the July 7 Order, and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS THEREFORE ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's Order of July 7, 2020.

2. The Clerk of this Court is directed to terminate this action.

Signed: September 24, 2020


Frank D. Whitney
United States District Judge

